

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Marroquin v. Mr. Gordon

No. 25-cv-1075-RSH-DEB (S.D. Cal. Apr. 30, 2025) · No. 25-cv-1075-RSH-DEB · Decided April 30, 2025

SUMMARY

The United States District Court for the Southern District of California denies Frank Anthony Marroquin’s motion to proceed in forma pauperis without prejudice. The court finds that the application does not adequately state whether Plaintiff has funds in a bank account or explain how he meets his living expenses, and directs him either to pay the \$405 filing fee or submit a corrected application by May 28, 2025.

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 SOUTHERN DISTRICT OF
CALIFORNIA 10 11 FRANK ANTHONY MARROQUIN, Case No.: 25-cv-1075-RSH-DEB 12
Plaintiff, ORDER ON PLAINTIFF’S MOTION 13 v. TO PROCEED IN FORMA PAUPERIS 14
MR. GORDON, Office of the Director, Department of Motor Vehicles, 15 [ECF No. 2]
Defendant. 16 17 18 19 On April 28, 2025, plaintiff Frank Anthony Marroquin, proceeding pro se,
20 commenced this action.

ECF No. 1. On April 29, 2025, Plaintiff filed the instant motion 21 for leave to proceed in forma
pauperis (“IFP”). ECF No. 2. For the reasons below, the 22 Court denies the motion to proceed
IFP without prejudice. 23 All parties instituting a civil action, suit, or proceeding in a district court
of the 24 United States, other than a petition for writ of habeas corpus, must pay a filing fee.

28 25 U.S.C. § 1914(a). An action may proceed despite a party’s failure to pay the filing fee only
26 if the party is granted leave to proceed in IFP pursuant to 28 U.S.C. § 1915(a)(1). See 27
Rodriguez v. Cook, 169 F.3d 1176, 1177 (9th Cir. 1999). A federal court may authorize the 28
commencement of an action without the prepayment of fees if the party submits an 1 || affidavit,
including a statement of assets, showing inability to pay the required filing fee.

2 ||28 U.S.C. § 1915(a). “An affidavit in support of an IFP application is sufficient where it 3 ||
alleges that the affiant cannot pay the court costs and still afford the necessities of life[.]” 4 ||
Escobedo v. Applebees, 787 F.3d 1226, 1234 (9th Cir. 2015). “[A] plaintiff seeking IFP 5 ||status
must allege poverty “with some particularity, definiteness and certainty.” Jd.

6 || (quoting United States v. McQuade, 647 F.2d 938, 940 (9th Cir. 1981)). 7 In his IFP
application, Plaintiff claims he has no source of income, no cash, and no 8 || assets. ECF No. 2 at

1-3. Plaintiff does not, however, specify whether he has money in any 9 ||bank account or other financial institution. /d. at 2.

In addition, Plaintiff also claims no 10 ||monthly expenses, instead listing EBT (which is not an expense) in this section. /d. at □□□□ 11 ||It is unclear to the Court how Plaintiff is securing the necessities of life without any 12 || expenses. See *Ritchie v. Hill*, No. 23-CV-2163 JLS (BLM), 2023 WL 8439564, at *2 (S.D. 13 Dec. 5, 2023); *Turner v. City of San Diego*, No. 23-CV-29 TWR (NLS), 2023 WL 14 || 163492, at *1 (S.D.

Cal. Jan. 10, 2023). Because Plaintiff does not provide sufficient 15 information to determine whether Plaintiff qualifies for IFP status under 28 U.S.C. § 1915, 16 Court DENIES Plaintiff's IFP motion without prejudice. If Plaintiff wishes to proceed 17 || with this action, Plaintiff must: (1) pay the filing fee of \$405; or (2) file a corrected IFP 18 || motion correcting the above deficiencies by May 28, 2025.

19 IT IS SO ORDERED. 20 || Dated: April 30, 2025 □ 21 Febut [ove 7 Hon. Robert S. Huie
United States District Judge 23 24 25 26 27 28